APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,898	02/12/2002	Hannes Eberle	067220-0313074	3570

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EXAMINER
PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/072,898	EBERLE ET AL.
Office Action Summary	Examiner	Art Unit	
	JOSEPH T. PHAN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *27-38,40-51,54-65 and 67-78* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *27-38,40-49,54-65 and 67-76* is/are rejected.
7)☐ Claim(s) *50,51,77 and 78* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *12 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20090705

DETAILED ACTION

Allowable Subject Matter

1.   Claims 50, 51, 77, and 78 objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 50, the prior art of record does not expressly disclose, in view of preceding features, wherein the association between the plurality of states and corresponding detected recipients can be altered by an administrator or a subscriber.

Regarding claim 51, the prior art of record does not expressly disclose, in view of preceding features, wherein the telephone call is aborted when the state of the call pickup sequence does not meet at least a minimum authorization criterion stored in the authorization database.

Regarding claim 77, the prior art of record does not expressly disclose, in view of preceding features, wherein the association between the plurality of states and corresponding detected recipients can be altered by an administrator or a subscriber.

Regarding claim 78, the prior art of record does not expressly disclose, in view of preceding features, wherein the telephone call is aborted when the state of the call pickup sequence does not meet at least a minimum authorization criterion stored in the authorization database.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27-38, 40-49, 54-65, and 67-76 rejected under 35 U.S.C. 102(b) as being anticipated by DeJager, Patent #5,661,781.

Regarding claims 27 and 54, DeJager teaches a system and method for providing service output information to a subscriber of a service(Fig.1), comprising:

service subscription means(Fig.1) for enabling at least one subscriber to subscribe to the at least one service that can output personalized information and for enabling the at least one subscriber to specify preferences for the content and presentation of service output information(*Fig.6, col.2 lines 7-19 and col.5 lines 1-8*), as well as delivery parameters for receiving service output information, the delivery parameters including at least one device to which service output information is to be delivered(*Fig.5 and col.5 lines 1-8; phone numbers are telephonic devices and dbryant @aol.com is an email device*), and delivery instructions based on a detected recipient(*col.2 lines 20-50 and col.6 lines 43-57; e.g. send notification message upon newly arrived message*);

service processing means for processing the least one service to generate service output information personalized for the at least one subscriber(Fig.1, col.2 lines 20-50 and col.5 lines 1-8); communication means for establishing communication with the at least one device(Fig.5-6); detection means for detecting a recipient of the communication(Fig.1 and 5-6); and delivery means for delivering service output information based on the detected recipient of the communication and the delivery instructions(Fig.1 and col.5 lines 1-8).

Regarding claims 28 and 55, DeJager teaches the system and method of claims 27 and 54, wherein the at least one service is processed when a delivery condition has been met(Fig.1 and col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 29 and 56, DeJager teaches the system and method of claims 28 and 55, wherein the delivery condition comprises at least one of a predetermined schedule, or a triggering event(Fig.1 and col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 30 and 57, DeJager teaches the system and method of claims 28 and 55, wherein the delivery condition is specified by at least one of a subscriber, or an administrator(Fig.1 and col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 31 and 58, DeJager teaches the system and method of claims 27 and 54, wherein the service output information comprises information derived from an on-line analytical processing (OLAP) system*(col.2 lines 22-27 ; DeJager uses an 'online' analytical processing system to analyze look-up information)*.

Regarding claims 32 and 59, DeJager teaches the system and method of claims 27 and 54, wherein the service output information comprises at least one of static text messages, dynamic content, blended content, sound clips, music, or advertisements(Fig.1 and col.2 lines 7-19 and col.5 lines 1-8; dynamic content as notifies upon each received new message).

Regarding claims 33 and 60, DeJager teaches the system and method of claims 27 and 54, wherein the at least one device comprises a voice-enabled terminal device(Fig.5-6).

Regarding claims 34 and 61, DeJager teaches the system and method of claims 27 and 54, wherein the at least one device comprises a voice-enabled terminal device, and the detected recipient comprises a person(Fig.1, col.2 lines 7-19 and col.5 lines 1-8; subscriber is a person).

Regarding claims 35 and 62, DeJager teaches the system and method of claims 27 and 54, wherein the person is queried for validation information(Fig.1 and col.6 lines 58-67).

Regarding claims 36 and 63, DeJager teaches the system and method of claims 35 and 62, wherein the validation information is provided by at least one of voice input, or keypad input(Fig.1 and col.6 lines 58-67).

Regarding claims 37 and 64, DeJager teaches the system and method of claims 27 and 54, wherein the at least one device comprises a voice-enabled terminal device, and the detected recipient comprises a machine(Fig. 5-6; email device is a machine).

Regarding claims 38 and 65, DeJager teaches the system and method of claims 37 and 64, wherein the machine comprises at least one of an answering machine, facsimile machine, or modem(Fig. 5-6; answering machine when not answered).

Regarding claims 40 and 67, DeJager teaches the system and method of claims 27 and 54, wherein the delivery instructions enable the content of the service output information to be differentiated according to whether the detected recipient comprises a person or a machine(Fig. 5-6).

Regarding claims 41 and 68, DeJager teaches the system and method of claims 40 and 67, wherein the content of the service output information to be provided when the detected recipient comprises a machine is reduced from the content of the service output information to be provided when the detected recipient comprises a person(Fig.1 and 5-6).

Regarding claims 42 and 69, DeJager teaches the system and method of claims 40 and 67, wherein the content of the service output information to be provided when the detected recipient comprises a machine is a message indicating that service output information intended

for the at least one subscriber is available(Fig.1 and 5-6, col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 43 and 70, DeJager teaches the system and method of claims 27 and 54, wherein the communication means comprises a call server for establishing communication with the at least one device by initiating a telephone call(Fig.1 and 5-6, col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 44 and 71, DeJager teaches the system and method of claims 43 and 70, wherein the detection means comprises a detection module, the detection module sensing a state of a call pickup sequence of the telephone call(Fig.1 and 5-6, col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 45 and 72, DeJager teaches the system and method of claims 44 and 71, wherein the state of a call pickup sequence comprises a plurality of possible states, and each of the possible states of the call pickup sequence is associated with a detected recipient and the delivery instructions for the detected recipient(Fig.1 and 5-6, col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 46 and 73, DeJager teaches the system and method of claims 45 and 72, wherein the detection module further comprises a tone detection module, and each tone detected by the tone detection module is associated with at least one of the plurality of possible states(Fig.1 and 5-6, col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 47 and 74, DeJager teaches the system and method of claims 46 and 73, wherein the tone detection module senses at least one of an answering machine tone, a facsimile machine tone, or a modem tone(Fig.1 and 5-6, col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 48 and 75, DeJager teaches the system and method of claims 47 and

74, wherein the state of the call pickup sequence comprises at least one of receipt by a person,

receipt by an answering machine, receipt by a facsimile machine, or receipt by a modem(Fig.1

and 5-6, col.2 lines 7-19 and col.5 lines 1-8).

Regarding claims 49 and 76, DeJager teaches the system and method of claims 45 and 72

further comprising an interface to an authorization database, the authorization database storing

entries associating each of the plurality of possible states with the corresponding detected

recipient and the delivery instructions for the detected recipient(Fig.1 and 5-6, col.2 lines 7-19

and col.5 lines 1-8).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544.

The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614